



Peter M. Rooney
*Secretary for
Environmental
Protection*

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

73-720 Fred Waring Drive – Suite 100, Palm Desert, CA 92260 Phone: (760) 346-7491 Fax (760) 341-6820



Pete Wilson
Governor

CERTIFIED MAIL P 439 107 598

October 5, 1998

Butch Hull, Director of Public Works
City of Blythe
440 South Main Street
Blythe, CA. 92225

RE: Administrative Civil Liability Complaint No. 98-099 for Administrative Civil Liability in the Matter of City of Blythe-Riverside County

Enclosed for your consideration is Administrative Civil Liability Complaint No. 98-099. On September 14, 1998, fifteen thousand (15,000) gallons of raw sewage was released to the Palo Verde Irrigation District's East Side Drain, which discharges to the Colorado River. The City used sixty thousand (60,000) gallons of water from a fire hydrant and two (2) gallons of household bleach to clean up the sewage spill. The clean-up mixture contained bleach, dirt and remains of the spilled sewage. The sewage originated from the City of Blythe collection system. The discharge into the Colorado River violates the California Water Code (CWC) Section 13376.

The proposed Administrative Civil Liability Complaint No. 98-099 proposes a penalty of twenty-five thousand dollars (\$25,000). If you do not waive a public hearing on this matter, a hearing will be scheduled for November 12, 1998. At that time you or your representatives will have an opportunity to be heard and to contest the allegations. However, you may waive the hearing by signing the attached waiver form and returning it to this office along with a payment in the amount of the specified civil liability. Please review the attached document and waiver form and notify this office of your decision by November 8, 1998.

If you have any questions, or if you wish to discuss this matter further, please call me at (760) 346-7491.

PHIL GRUENBERG
Executive Officer

NJK/jr

CC: Region 7 Board Members
Karen O'Haire, Office of Chief Counsel, SWRCB, Sacramento
John Norton, Enforcement Unit, SWRCB
John Youngerman, DWQ, SWRCB, Sacramento
Dr. Ahmad A. Hassan, Dept. of Water Resources, Glendale
S.S. Moise, Riverside County Environmental Health, Riverside
Toby Roy, California Dept. of Health Services, Office of Drinking Water, San Diego
Environmental Protection Agency, (EPA), Attention W-1 (Water Mgmt Div.), San Francisco
Jewell Bennett, U.S. Fish and Wildlife Service, Carlsbad
Gerald M. Davisson, Palo Verde Irrigation District, Blythe

File: City of Blythe, 7B33 0102 012

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. 98-099

**IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER
OF
CITY OF BLYTHE
ISSUED TO THE CITY OF BLYTHE
FOR DISCHARGE OF RAW SEWAGE INTO THE EAST SIDE DRAIN
Blythe-Riverside County**

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The City of Blythe (hereinafter also referred to as the discharger) is alleged to have violated regulations and laws, for which the Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) may impose civil liability pursuant to Section 13385 of the California Water Code.
2. Unless waived, a public hearing on this matter will be held before the Regional Board, within 60 days of the issuance of this complaint. The discharger, or a representative of the discharger, will have an opportunity to be heard, to challenge the allegations in this Complaint, and to contest the imposition of the civil liability. An agenda indicating the scheduled date, time & location of the hearing will be mailed to you, at least 10 days prior to the hearing date.
3. The discharger owns and operates a sewage collection system and a wastewater treatment plant (WWTP) serving the City of Blythe. The WWTP is designed to treat 3,600,000 gallons per day (GPD) of wastewater. Current flow is around 1,500,000 GPD. On May 17, 1994, the Regional Board adopted revised waste discharge requirements (Board Order No. 94-039), for the City of Blythe's wastewater collection, treatment and disposal system. Board Order No 94-039 permits the City of Blythe to discharge treated wastewater to evaporation/percolation basins.

ALLEGATIONS

4. Raw sewage has significant odor/nuisance potential and contains pathogens (e.g. fecal bacteria) at concentrations that pose a public health hazard when it is not properly treated and disposed of.
5. Untreated sewage discharged into surface waters may accumulate on the banks of the water body. A large amount of solids may settle at the bottom to form sludge deposits or float to the surface and develop rafts of scum. Sludge deposits and scum are unsightly and contain organic material, which may cause oxygen depletion and may be a source of odor. Untreated sewage contains pathogenic organisms which can cause communicable diseases, and may contain elevated concentrations of toxic constituents. Discharge of material amounts of untreated sewage will adversely impact the quality of the discharge waters and affect its beneficial uses.
6. Pursuant to Water Code Section 13373, the terms "navigable waters" and "pollutants" have the same meaning as in Federal Water Pollution Control Act (FWPCA).

"Pollutant" as defined in FWPCA Section 502(6) includes "...sewage...discharged into water."

"Navigable waters" as defined in FWPCA Section 502(7) means "waters of the United States, including territorial seas."

7. The Colorado River is a navigable water and therefore, a water of the United States.
8. The discharger is alleged to have violated Water Code Section 13376, which states in part, that:

"Any person discharging pollutants...to the navigable waters of the United States within the jurisdiction of the state...shall file a report of waste discharge..."

"...The discharge of pollutants ...by any person except as authorized by waste discharge requirements

or permit is prohibited..."

9. The discharger did not file a Report of Waste Discharge nor did it obtain waste discharge requirements for the discharge of raw sewage, a pollutant, into the Colorado River, a navigable water of the United States.
10. In a letter dated September 16, 1998, the discharger reported the following information to the Regional Board staff, which is the basis for the alleged violations:
 - a. On September 14, 1998, there was an unauthorized release of raw sewage into the storm drain system in Blythe, California. The discharge occurred at the intersection of I-10 and Intake Boulevard, approximately 100 yards south of I-10, and on the eastside of Intake Boulevard.
 - b. At approximately 2:45 PM on September 14, 1998, the City received a report that a pick hole on a manhole located on Intake Boulevard was oozing sewage, which was flowing to the storm drain located 50 feet east of the manhole. The lift station at that location is a forced main system, that had malfunctioned due to leaky seals in the dry well, causing an electrical short to the equipment.
 - c. In an effort to keep the sewage off the street, public works employees pumped the sewage to a storm drain for about 75 minutes. The discharge was estimated at 15,000 gallons.
 - d. Upon arrival at the site, the Assistant Public Works Director ordered cessation of discharge to the storm drain, and requested the dispatch of a sewer vac truck to the site. The vac truck was used for transporting the sewage to the wastewater treatment plant.
 - e. The storm drain was then flushed with two (2) gallons of household bleach and around sixty thousand (60,000) gallons of water from a fire hydrant. The storm drain discharges to the Palo Verde Irrigation District's East Side Drain, located approximately 0.5 mile east of the spill site. The East Side Drain flows for about 20 miles prior to discharging to the Colorado River.
 - f. Current Standard Operating Procedures require the City to use the sewer vac truck to clean and pump manholes.
11. The discharged sewage was not susceptible to cleanup. The sewage after flowing through the storm drain, and the East Side Drain, flowed to the Colorado River.
12. Based on information contained in Item No. 10 above the discharger used 60,000 gallons of water from the fire hydrant in the cleanup operation. The discharged mixture contained bleach, dirt and remains of the spilled sewage.
13. The Water Quality Control Plan for the Colorado River Basin Region of California was adopted November 17, 1993, and designates the beneficial uses of ground and surface waters in this Region.
14. The beneficial uses of waters in the Palo Verde Valley Drains are:
 - a. Water Contact Recreation¹ (REC I)
 - b. Non-Contact Water Recreation² (REC II)
 - c. Warm Freshwater Habitat (WARM)
 - d. Wildlife Habitat (WILD)
15. The beneficial uses of the waters in the Colorado River and associated lakes and reservoirs are:

¹ The only REC I usage known to occur is from fishing activity.

² Unauthorized use.

- a. Municipal and Domestic Supply (MUN)
 - b. Agricultural Supply (AGR)
 - c. Aquaculture (AQ)
 - d. Industrial Service Supply (IND)
 - e. Ground Water Recharge (GWR)
 - f. Water Contact Recreation (REC I)
 - g. Non-contact Water Recreation (REC II)
 - h. Warm Water Habitat (WARM)
 - i. Cold Water Habitat (COLD)
 - j. Wildlife Habitat (WILD)
 - k. Hydropower Generation (POW)
 - l. Preservation of Rare, Endangered or Rare Species (RARE)
16. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with section 15321(a), Title 14, California Administrative Code.

PROPOSED CIVIL LIABILITY

17. Pursuant to California Water Code Section 13385(a)(1), any person who violates Water Code Section 13376 may be liable civilly in accordance with Water Code Section 13385(c).
18. Water Code Section 13385(c)(1) authorizes Administrative Civil Liability not exceeding ten thousand dollars (\$10,000) for each day in which violation of Water Code Section 13376 occurs. The discharger has indicated that the spill lasted no more than one day. Based on this the maximum liability for this period is ten thousand dollars (\$10,000) for violation of Water Code Section 13376 for a period of one day.
19. Water Code Section 13385(c)(2) authorizes an additional Civil Liability not exceeding ten dollars (\$10) per gallon where there is a discharge, any portion of which is not susceptible to cleanup and/or the volume discharged but not cleaned up exceeds one thousand (1,000) gallons. The discharger has indicated that approximately fifteen thousand (15,000) gallons of sewage, sixty thousand (60,000) gallons of fire hydrant water and two (2) gallons of bleach, for a total volume of seventy-five thousand and two (75,002) gallons were discharged to the East Side Drain on September 14, 1998. The maximum allowable liability for this discharge is Seven hundred forty thousand and twenty dollars (\$740,020).
20. Staff costs to date associated with the investigation and preparation of this enforcement action total two thousand six hundred and eighty eight dollars (\$2,688).
21. To date, the total liability available to the Board for this specific case is seven hundred fifty thousand and twenty dollars (\$750,020).
22. The California Water Code Section 13385(e) states that:
- " In determining the amount of any liability imposed under this section, the regional board, the state board, or the superior court, as the case may be, shall take into account the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the ability to pay, any prior history of violations, the degree of culpability, economic benefits or savings, if any resulting from the violation, and other matters that justice may require."
23. The Regional Board's Executive Officer considered the factors listed in California Water Code Section 13385(e).
24. Based on the factors enumerated in California Water Code Section 13385(e), the Regional Board's Executive Officer proposes that an administrative civil liability be imposed by the Regional Board in the

amount of twenty five thousand dollars (\$25,000).

WAIVER OF LIABILITY

25. A hearing may be scheduled unless the discharger agrees to waive the hearing and pay the imposed civil liability in full.
26. If the hearing is held, the Regional Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
27. In lieu of a hearing, the discharger may waive the right of hearing. Any waiver will not be effective for 30 days from the date of this Complaint to allow other interested persons to comment on this action. If you wish to waive the hearing, please check and sign the waiver and return it with the amount of civil liability proposed in Item 18, made out to State Water Resources Control Board, to the following address:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Ordered

By: _____

Executive Officer

Date

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

WAIVER

[] By checking the box, City of Blythe agrees to waive their rights to a hearing before the California Regional Water Quality Control Board and submits payment for the civil liability imposed.

Signature

Title

Date

File: WDID 7B33 0102 012, City of Blythe, Board Order No. 94-039

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**



Peter M. Rooney
*Secretary for
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Pete Wilson
Governor

October 5, 1998

Palo Verde Times
P.O. Box 1159
Blythe, CA 92226

RE: Proof of Publication of Notice for an Administrative Civil Liability on the City of Blythe for discharge of raw sewage into the East Side Drain

Enclosed is a Public Notice for an Administrative Civil Liability (ACL). Please run this notice of ACL for one (1) day on October 10, 1998, and send a proof of publication and invoice to the following address:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Dr.
Palm Desert, CA 92260

If you have any questions, or if you wish to discuss this matter further, please call me at (760) 346-7491.

NARENDRA KHILNANI
Sanitary Engineering Associate

NJK/jr

File: City of Blythe, 7B33 0102 012

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

73-720 Fred Waring Dr., Suite 100
Palm Desert, CA 92260
(760) 346-7491

Public Notice No. 7-98-18

October 5, 1998

PUBLIC NOTICE
FOR THE ADMINISTRATIVE CIVIL LIABILITY
ON THE
CITY OF BLYTHE
FOR
DISCHARGE OF RAW SEWAGE INTO THE EAST SIDE DRAIN

An Administrative Civil Liability has been issued against the City of Blythe in the amount of \$25,000.00 for discharging raw sewage into the East Side Drain. This discharge occurred on September 14, 1998.

Any comments or concerns regarding this Administrative Civil Liability shall be filed in writing to the Regional Board by no later than November 9, 1998.

A copy of the Complaint may be obtained from the Regional Board office. Contact Narendra Khilnani at (760) 776-8960 for any questions regarding this matter.

File Ref: Blythe, 7B33 0102 012